

REMARKS

Introduction

Claims 1-128 were pending in this case. Applicants have amended claims 1, 2, 5, 13, 18, 19, 34, 53, 74, 95, 116, 117, 123, 126, and 127. Applicants have cancelled claims 38, 57, 78, 99, and 120 without prejudice. No new matter has been added and the amendments are fully supported by the original specification. Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Summary of Office Action

Claims 1-4, 6-16, 18, 20-37, 39, 41-56, 58, 60-77, 79, 81-98, 100, 102-119, 121, and 123-128 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Gebb U.S. Patent No. 6,067,532 (hereinafter "Gebb"). Claims 5, 19, 40, 59, 80, 101, and 122 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gebb in view of Walker U.S. Patent No. 6,240,396 (hereinafter "Walker"). Claims 17, 38, 57, 78, 99, and 120 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gebb. These rejections are respectfully traversed.

Summary of Applicants' Claimed Invention

Applicants' claimed invention is directed to systems and methods for a first consumer to transfer an item with restricted transferability (e.g., airline ticket, concert ticket, sporting event ticket, option contract rights, hotel reservation, restaurant reservation, car rental) to a second consumer. A first consumer at a consumer computer sends to a transfer system a request to transfer an item with restricted transferability to another consumer. Upon receipt of the request, the transfer system requests authorization to transfer the item from the provider of the item. The provider can authorize the transfer and can place restrictions on the transfer of the item. The restrictions can include, for example, a minimum transfer price and a maximum number of items that can be transferred. The transfer system can then implement the restrictions and present information on the item to a select group of consumers. The first consumer can select how information on the item is to be presented: in a bidding interface or an advertising interface. Upon a second consumer in the select group of consumers purchasing the item, the

transfer system arranges for the transfer of the item from the first consumer to the second consumer.

Claims 1-33

Applicants have amended independent claims 1 and 13 to incorporate the feature of presenting information on the item to a second consumer "in a consumer selectable interface" based on respective dependent claims 2, 5, 18, and 19. Accordingly, dependent claims 2, 5, 18, and 19 have been amended to more particular point out that the consumer selectable interface can be a bidding interface or an advertising interface. Applicants will address the Examiner's 35 U.S.C. §§ 102(e) and 103(a) rejections of claim 2, 5, 18, and 19 in showing the patentability of respective independent claims 1 and 13.

Applicants respectfully submit that neither Gebb nor Walker show "presenting information on the item to a second consumer in a consumer selectable interface" as recited in independent claims 1 and 13 (emphasis added). The consumer selectable interface can be one of a bidding interface or an advertising interface as recited in applicants' dependent claims 2, 5, 18, and 19. In Gebb, the selling method is not

selected by the seller but instead, is determined by State law and an agreement with a particular arena (Gebb, col. 7, line 53 to col. 8, line 2). The Examiner also acknowledges that "Gebb does not explicitly disclose that the information is presented in an advertising interface" (Office Action, p. 4, lines 17-18). In Walker, one selling method is presented by a central controller in which a buyer "present[s] a guaranteed purchase offer for a ticket to a certain event ... to a number of potential sellers. The sellers may review the offer, and accept the offer if the terms are agreeable" (Walker, col. 3, lines 56-60; col. 4, lines 7-17). Because only one selling method is presented, the guaranteed purchase offer for a ticket cannot be presented "in a consumer selectable interface" as recited in applicants' independent claims 1 and 13. Neither Gebb nor Walker show allowing a first consumer to present information on an item to second consumer in a consumer selectable interface.

Therefore, whether taken alone or in combination, Gebb and Walker fail to show applicants' claimed invention, as defined by independent claims 1 and 13.

Moreover, applicants respectfully submit that the Examiner has failed to point to any suggestion or motivation to

modify Gebb to include the features of applicants' claimed invention, as defined by independent claims 1 and 13. In particular, the Examiner merely states that "[i]t would have been obvious to modify the system of Gebb to include the ability for potential sellers to post their tickets for resale using an advertising interface, as taught by Walker et al., in order to provide more options for the seller and give buyers an opportunity to gain a better understanding of ticket prices" (Office Action, p. 5, lines 1-4).

Therefore, because Gebb and Walker, whether taken alone or in combination, fail to show all the features of applicants' claimed invention, as defined by independent claims 1 and 13, and because there is no prior art motivation to modify Gebb to include all the features recited in independent claims 1 and 13, independent claims 1 and 13 are in condition for allowance. Claims 2-12 and 14-33, which depend from respective independent claims 1 and 13, are therefore also in condition for allowance. Applicants respectfully request that the rejection of these claims be withdrawn.

Claims 34-37, 39-56, 58-77, 79-98, 100-119, and 121-128

Applicants have also amended independent claims 34, 53, 74, 95, and 116 to incorporate the feature of presenting information on the item "to a select group of users" as recited in respective dependent claims 38, 57, 78, 99, and 120. Accordingly, applicants have cancelled claims 38, 57, 78, 99, and 120. Dependent claims 117, 123, 126, and 127 have been amended to conform with the amendments made to independent claim 116. Applicants will address the Examiner's 35 U.S.C. § 103(a) rejections of claim 38, 57, 78, 99, and 120 in showing the patentability of respective independent claims 34, 53, 74, 95, and 116.

The Examiner acknowledges that "Gebb does not explicitly disclose restricting the presentation of ticket information to a select group of users" (Office Action, p. 5, lines 7-8). Applicants respectfully submit that the Examiner has failed to point to any particular reference that disclose "presenting information on the item to a select group of consumers" as recited in applicants' independent claims 34, 53, 74, 95, and 116. However, it is applicants' understanding that

known systems and methods for transferring an item with restricted transferability do not include such a feature.

Therefore, whether taken alone or in combination, Gebb and what is known in the art fail to show applicants' claimed invention, as defined by independent claims 34, 53, 74, 95, and 116.

Moreover, applicants respectfully submit that the Examiner has failed to point to any suggestion or motivation to modify Gebb to include the features of applicants' claimed invention, as defined by independent claims 34, 53, 74, 95, and 116. In particular, the Examiner merely states that since "Gebb seeks to filter both buyers and sellers to guarantee a successful and desirable transaction ..., it would have been obvious for the system to filter the buyers, for example by demographic, in order to present only the most relevant offers thereby increasing the likelihood of a successful transaction" (Office Action, p. 5, lines 12-15).

In fact, Gebb teaches away from applicants' invention, as defined by independent claims 34, 53, 74, 95, and 116. The system described by Gebb is directed to "[allowing] sellers to reach a wider market and also gives more individuals an

opportunity to conveniently purchase tickets to events at a reasonable price" (Gebb, col. 2, lines 20-22). Applicants' systems and methods, on the other hand, are directed to presenting information on an item to a select group of consumers.

Therefore, because Gebb, and to applicants' knowledge known systems and methods for transferring an item with restricted transferability, whether taken alone or in combination, fail to show all the features of applicants' claimed invention, as defined by independent claims 34, 53, 74, 95, and 116, and because there is no prior art motivation to modify Gebb to include all the features recited in independent claims 34, 53, 74, 95, and 116, and because, in fact, Gebb teaches away from such modification, independent claims 34, 53, 74, 95, and 116 are in condition for allowance. Claims 35-37, 39-52, 54-56, 58-73, 75-77, 79-94, 96-98, 100-115, 117-119, and 121-128, which depend from respective independent claims 34, 53, 74, 95, and 116, are therefore also in condition for allowance. Applicants respectfully request that the rejection of these claims be withdrawn.

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Conclusion

Applicants respectfully submit that this application is now in condition for allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully Submitted,

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